

## REMARKS

The subject Office Action rejected claims 1 - 14 in the application under 35 USC §102(b) and §103(a) as unpatentable over U.S. Patent No. 3,985,383 to Yonkers. It is respectfully submitted that the amendments above and the remarks to follow overcome the rejections.

Yonkers teaches an indexing device for separating pieces of paper having a plastic sheet, a material with a high coefficient of friction and a pressure sensitive adhesive. Yonkers discloses use of an adhesive "of any type well known in the art and may be of the same material as that used on ordinary adhesive tape." (see Yonkers, column 3, lines 6 - 8). Yonkers does not disclose or suggest use of a hypo-allergenic adhesive. Applicant respectfully disagrees with the Office Action dismissal of the descriptive term "hypo-allergenic" as a coined, marketing term that is not medically approved. It is submitted that the term "hypo-allergenic" is an accepted term used both in the medical literature and common language to indicate "Having a decreased tendency to provoke an allergic reaction." (see enclosed printout from *The American Heritage® Stedman's Medical Dictionary* and a copy of page 349 from *Webster's Collegiate Dictionary*) In further support of the use of the term "hypo-allergenic," paragraph 001 of the specification has been amended above to designate an adhesive product that is marketed as hypo-allergenic and satisfies the requirements of the present invention. A product data sheet for MACtac No. 597 hypo-allergenic adhesive is enclosed for reference. No new matter has been added hereby.

Therefore, claim 1 as amended to include "a hypo-allergenic adhesive coating" is deemed to be patentably distinctive over Yonkers or any other known prior art. Claims 2 - 4, 8 and 9, being dependent from claim 1, are also respectfully submitted to be allowable.

Yonkers discloses the form of the surface of the indexing device to contact the paper as "an elastomeric material such as foam and sponge rubber containing glycerin; or, in an alternate embodiment, the mass of traction material 18 may be smooth rubber stock that has been cross-cut or hatched (Fig. 3)." (see Yonkers, column 3, lines 22 - 26) It is noted that the irregular surface shown in Fig. 4 of Yonkers is the natural characteristic of a cut sheet of foam rubber. The present invention discloses and claims "a plurality of protuberances formed by molding on a second surface of the membrane" in amended claim 2 and new claim 17. As described in the present application at paragraph 001, lines 3 - 11, the protuberances are an important feature of the invention, are formed by injection molding (although other methods of forming are contemplated by the invention), and are substantially equal in height above the surface of the membrane. In reference to Yonkers Fig. 4, Yonkers describes "[T]he layer of plastic film 14 in this embodiment of the present invention has a frustoconical shape in which the side or surface 19 serves as the traction surface." (Column 3, lines 59 - 62) The preceding paragraph of Yonkers' disclosure defines the membrane, or planar sheet 14 as having a tapered (frustoconical) edge, and does not disclose or suggest a "plurality of protuberances" as claimed in claims 2 and 17. Therefore, it is believed that claims 2 and 17 are patentably distinct over the prior art of record. Claims 15 and 16, dependent from claim 2, and claim 18, being dependent from claim 17, are also in condition for allowance. The support for new claims 15 and 16 derives from the application at paragraph 001, lines 5 - 7.

With respect to the objections to claim 8 in the Office Action, the original form of claim 8 above is identical to that submitted with the application. The misspellings objected to do not appear in the copy of the original in the file of the undersigned attorney of record. At any rate, the meaning is the same and the form of claim 8 above is believed to be acceptable.

Claims 5 - 7 and 10 - 14 are cancelled hereby.

It is respectfully submitted that the prior art of Powell, No. 5,547,465 and Scott, No. 3,283,888 do not prevent the allowance of the present application.

As the application amended hereby contains 2 independent claims and 10 total claims, no additional fee is required.

In view of the foregoing amendment and remarks, reconsideration and allowance are respectfully requested.

Respectfully submitted,



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Signature

**hy·po·al·ler·gen·ic** k)

*adj.*

Having a decreased tendency to provoke an allergic reaction.

Source: *The American Heritage® Stedman's Medical Dictionary*

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Main Entry: **hy·po·al·ler·gen·ic**

Pronunciation: -"al-&r-'jen-ik

THE NEW INTERNATIONAL  
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# PERFORMANCE GUIDE

[www.MACTac.com](http://www.MACTac.com)

## PRODUCT: Medical Products TM-9720

Version: 1  
Approved: WEJ  
Date: 06/1996

### PRODUCT DESCRIPTION

TM-9720 is a thin polyester film coated on two sides with 597 acrylic based, hypoallergenic pressure sensitive adhesive. The adhesive is protected by a 70# densified, semi-bleached kraft release liner.

**Carrier:** 1/2 mil clear polyester film.  
**Adhesive:** This medical grade adhesive is formulated for sustained contact with the human skin. It has been tested for hypoallergenic properties by a private bio-medical laboratory. Test data is available upon request.  
**Liner:** 70# densified, semi-bleached kraft with a silicone release system on two sides.

TM-9720 was designed for assembling medical devices where skin contact is possible. The adhesive is very aggressive and bonds well to polyethylene.

### TYPICAL VALUES\*

#### PHYSICAL PROPERTIES

	<u>Unwind Side</u>	<u>Liner Side</u>	<u>TEST METHOD</u>
<b>Peel, lbs./in. width</b> Stainless Steel - 30 minutes	7.5	7.5	PSTC - 1
<b>Shear, Hours to Fail</b> Stainless Steel - 1000 g/sq. in. @ 72°F.	6	12	PSTC - 7
<b>Tensile, lbs./in. width</b>	10		ASTM D-882
<b>Elongation, %</b>	100		ASTM D-882
<b>Thickness, inches</b> Carrier and adhesive: Liner:	.0044 .0042		
<b>Application Temperature:</b>	Ambient temperatures		

### RECOMMENDATION

The converter should test the product in specific applications prior to marketing the finished item.

### SHELF LIFE

Two years when stored at 75°F. (24°C.) and 50% relative humidity or less. It is recommended that the product be stored in its original package until ready to use.

\* Values given are typical and are not necessarily for use in specifications. T & E values are for the carrier only

Telephone Number 800 321 0011

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